

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended claims 1 and 14 to more particularly point out the particular content description structure with which the present invention operates. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

##### **Claims 1-5, 9-18, 22-27 and 28-30**

Claims 1-5, 9-18, 22-27 and 28-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ronning et al., U.S. Patent Application No. 2003/0212992.

Applicant does not admit that Ronning is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's invention as claimed in claims 1-5, 9-18, 22-27 and 28-30 is not anticipated by reference.

Ronning discloses a software agent that can distribute and update files on a user's computer according to parameters set by the user. Ronning also discloses an graphic user interface (GUI) for the agent.

The Examiner is apparently equating Applicant's claimed related plurality of nodes in a content description structure with a series of web pages containing products for download disclosed in Ronning. The Examiner further stated that selecting products through the agent GUI in Ronning is equivalent to Applicant's claimed assignment of an attribute to a group of commands.

Applicant has amended claims 1 and 14 to clarify the particular content description structure claimed. Ronning does not teach or suggest nodes that are descriptions that define semantics and syntax of content features as claimed. Furthermore, Ronning's selection process creates the commands that the agent will subsequently execute but Ronning does not teach or suggest assigning an attribute to the group of commands that are selected.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1-5, 9-18, 22-27 and 28-30 is not anticipated by Ronning under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 103***

**Claims 6-8 and 19-21**

Claims 6-8 and 19-21 stand rejected under 35 U.S.C. § 103 as being obvious over Ronning. The Examiner has taken Official Notice that the use of user authority levels is well known.

Claims 6-8 and 19-21 depend from independent claims 1 and 14 respectfully. Therefore, in order to establish a proper *prima facie* case of obviousness with regard to the dependent claims, the Examiner's asserted Official Notice must teach or suggest the claimed elements of the independent claims that are not disclosed in Ronning. Because the combination of Ronning and Official Notice does not teach or suggest either Applicant's claimed content description structure or Applicant's claimed assignment of attribute tags to a group of commands, the rejection is improper.

Furthermore, Applicant's claimed authority tag is not a user authority level. The Examiner is respectfully directed to page 7, lines 11-19, where Applicant describes the authority tag as determining the priority or order in which a group of commands is executed. Applicant also refers the Examiner to claim 31, in which the authority tag is set forth as indicating a priority level for execution of the associated command. While the Examiner is required to interpret the claims broadly, when the Applicant has defined a claim term, the Examiner must interpret the claims in light of Applicant's definition [MPEP 2111.01].

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 6-8 and 19-21 is not rendered obvious by reference, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

**Claims 26, 27, 31 and 32**

Claims 26, 27, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ronning in view of U.S. Patent Application No. 2002/0085028 to Tabatabai et al. Applicant respectfully submits that U.S. Patent Application No. 2002/0085028 is

not prior art to the present application. It does not qualify as prior art under either 35 U.S.C. § 102(a) or 102(b) because it was published after the filing date of the present application. It does not qualify as prior art under 35 U.S.C. § 102(e) because the inventive entity of 2002/0085028 (Tabatabai, Rising) is the same as the inventive entity of the present application (Rising and Tabatabai) and therefore, the claimed invention is not by "another" as set forth in 102(e). Because the Examiner admits that Ronning alone does not disclose each and every limitation of the claims, Applicant respectfully requests the withdrawal of the rejection of claims 26, 27, 31 and 32 under 35 USC 103(a).

### **New Claims**

New claims 33-46 have been added to separately claim the encoder and decoder of the original system claims, and to further claim the invention in mean-plus-function format. Applicant respectfully submits claims 33-46 are allowable for at least the reasons set forth above for claims 14-30.

### **SUMMARY**

Claims 1-46 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.


**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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